



Item 62 ph

**Zone Hearings/App Ordinances/Restrictive Covenants  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA DATE: 4/6/2006**

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**Subject: C14-06-0004 - Ridgetop Offices at 51st Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 910-912 East 51st Street (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning. Applicant: Barry and Kathy Garth. Agent: Barry Garth. City Staff: Jorge E. Rousselin, 974-2975. (Related to Item #61ph)**

**Requesting Department: NPZD**

**For More Information: Jorge E. Rousselin, 974-2975**

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**ZONING REVIEW SHEET****CASE:** C14-06-0004**P.C. DATE:** February 28, 2006**ADDRESS:** 910-912 East 51<sup>st</sup> Street**OWNER:** Barry & Kathy Garth**AGENT:** Barry Garth**REZONING FROM:** SF-3-NP (Urban family residence – Neighborhood plan)**TO:** GR-MU-NP (Community commercial – Mixed use—Neighborhood plan)**AREA:** 0.229 Acres (9975.24 square feet)**SUMMARY PLANNING COMMISSION RECOMMENDATION:**

February 28, 2006:

**APPROVED NO-MU-NP DISTRICT ZONING.****[J.REDDY, M.DEALEY 2<sup>ND</sup>] (8-0) J.M.CORTEZ – OFF DAIS****SUMMARY STAFF RECOMMENDATION:**

Staff recommends denial of GR-MU-NP (Community commercial – Mixed use—Neighborhood plan) combining district.

**DEPARTMENT COMMENTS:**

The subject rezoning area is a 0.229 acre site fronting East 51<sup>st</sup> Street zoned SF-3-NP. The applicant proposes to rezone the property to community commercial (GR-MU-NP) district to allow for and office/retail use to utilize impervious cover allowed under GR zoning. Compatibility standards will apply (please see Site Plan comments).

The property was rezoned from SF-3 to SF-3-NP as part of the North Loop Neighborhood Plan rezonings on May 23, 2002 under Ordinance No. 020523-31. The adopted future land use map (FLUM) for the North Loop Planning Area designates this site for single-family uses. Staff recommends denial of GR-MU-NP based on the following considerations:

- 1.) The proposed land use is not compatible with the FLUM land use designation;
- 2.) Mixed-se and commercial development is recommended by the FLUM adjacent to Airport Boulevard; and
- 3.) The proposed use is not compatible with existing residential development along East 51<sup>st</sup> Street.

**SF-3 Development Standards:**

<b>SF-3</b>	
Minimum lot size:	5,750 sq. ft.
Maximum Height:	35 feet
Maximum Building Coverage:	40%
Maximum Impervious Cover:	45%

Source: The Code of the City of Austin, Volume III, Chapter 25-2-492

**GR Development Standards:**

<b>GR</b>	
Minimum lot size:	5,750 sq. ft.
Maximum Height:	60 feet
Maximum Building Coverage:	75%
Maximum Impervious Cover:	90%
Maximum FAR:	75%

Source: The Code of the City of Austin, Volume III, Chapter 25-2-492

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NP	Single-family residence
<i>North</i>	SF-3-NP	Church
<i>South</i>	SF-3-NP	Single-family residence
<i>East</i>	SF-3-NP	Single-family residence
<i>West</i>	SF-3-NP	Single-family residence

**NEIGHBORHOOD PLANING AREA:** **TIA:** Waived  
North Loop

**WATERSHED:** Boggy Creek                      **DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A                      **HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

- 283--North Austin Neighborhood Alliance
- 511--Austin Neighborhoods Council
- 603--Mueller Neighborhoods Coalition
- 687--North Loop Neighborhood Planning Team
- 704--North Loop Neighborhood Planning Liaison-COA
- 742--Austin Independent School District
- 937--Taking Action Inc.
- 957--Ridgetop Neighborhood Association

**SCHOOLS:****Austin Independent School District**

- Ridgetop Elementary School
- Lamar Middle School
- McCallum High School

**RELATED CASES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0009	North loop Neighborhood Plan Rezoning	03/13/02: PC Approved. (8-0)	05/23/02: APVD (7-0) SF-3-NP, MF-2-NP, MF-3-NP, MF-4-CO-NP, NO-NP, LO-NP, LO-MU-NP, LO-CO-NP, LO-MU-CO-NP, GO-MU-CO-NP, LR-CO-NP, LR-MU-NP, LR-MU-CO-NP, GR-MU-CO-NP, GR-CO-NP, CS-CO-NP, CS-MU-CO-NP, CS-1-CO-NP, & P-NP; 2ND/3RD RDGS

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-96-00081	05/28/96: PC DIRECTED STAFF TO INITIATE REZONING ROLLBACK TO CS-CO IN ORDER TO ALLOW FAST FOOD RESTAURANT (8-0)	06/25/96: APVD CS-CO (7-0)	06/27/96: APVD PC REC OF CS-CO W/CONDS (7-0); 1ST RDG.  07/11/96: APVD CS-CO W/CONDS (7-0); 2ND/3RD RDGS  CO: <ul style="list-style-type: none"> <li>▪ No vehicular access from the property to East 51<sup>st</sup> Street</li> <li>▪ Drive-in services prohibited</li> <li>▪ 300 vehicle trip limitation</li> </ul>

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
E 51 <sup>st</sup>	50'	40'	Arterial	No	No	No

**CITY COUNCIL DATE:**

April 6, 2006

**ACTION:**

**ORDINANCE READINGS:**

1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Jorge E. Rousselin, NPZD

**PHONE:** 974-2975

**E-MAIL:** [jorge.rousselin@ci.austin.tx.us](mailto:jorge.rousselin@ci.austin.tx.us)





910-912 E. 51st Street  
C14-06-0004

**Legend**

- Zoning: [Symbol]
- Base: [Symbol]
- Center Line: [Symbol]

50 0 50 100 150 Feet

C14-06-0004

Map labels include: E. 51st Street, Airport Blvd, Clarkston Ave, E. 30th Street, E. 29th Street, E. 28th Street, E. 27th Street, E. 26th Street, E. 25th Street, E. 24th Street, E. 23rd Street, E. 22nd Street, E. 21st Street, E. 20th Street, E. 19th Street, E. 18th Street, E. 17th Street, E. 16th Street, E. 15th Street, E. 14th Street, E. 13th Street, E. 12th Street, E. 11th Street, E. 10th Street, E. 9th Street, E. 8th Street, E. 7th Street, E. 6th Street, E. 5th Street, E. 4th Street, E. 3rd Street, E. 2nd Street, E. 1st Street, E. 0th Street, E. -1st Street, E. -2nd Street, E. -3rd Street, E. -4th Street, E. -5th Street, E. -6th Street, E. -7th Street, E. -8th Street, E. -9th Street, E. -10th Street, E. -11th Street, E. -12th Street, E. -13th Street, E. -14th Street, E. -15th Street, E. -16th Street, E. -17th Street, E. -18th Street, E. -19th Street, E. -20th Street, E. -21st Street, E. -22nd Street, E. -23rd Street, E. -24th Street, E. -25th Street, E. -26th Street, E. -27th Street, E. -28th Street, E. -29th Street, E. -30th Street, E. -31st Street, E. -32nd Street, E. -33rd Street, E. -34th Street, E. -35th Street, E. -36th Street, E. -37th Street, E. -38th Street, E. -39th Street, E. -40th Street, E. -41st Street, E. -42nd Street, E. -43rd Street, E. -44th Street, E. -45th Street, E. -46th Street, E. -47th Street, E. -48th Street, E. -49th Street, E. -50th Street, E. -51st Street, E. -52nd Street, E. -53rd Street, E. -54th Street, E. -55th Street, E. -56th Street, E. -57th Street, E. -58th Street, E. -59th Street, E. -60th Street, E. -61st Street, E. -62nd Street, E. -63rd Street, E. -64th Street, E. -65th Street, E. -66th Street, E. -67th Street, E. -68th Street, E. -69th Street, E. -70th Street, E. -71st Street, E. -72nd Street, E. -73rd Street, E. -74th Street, E. -75th Street, E. -76th Street, E. -77th Street, E. -78th Street, E. -79th Street, E. -80th Street, E. -81st Street, E. -82nd Street, E. -83rd Street, E. -84th Street, E. -85th Street, E. -86th Street, E. -87th Street, E. -88th Street, E. -89th Street, E. -90th Street, E. -91st Street, E. -92nd Street, E. -93rd Street, E. -94th Street, E. -95th Street, E. -96th Street, E. -97th Street, E. -98th Street, E. -99th Street, E. -100th Street.



## STAFF RECOMMENDATION

Staff recommends denial of GR-MU-NP (Community commercial – Mixed use— Neighborhood plan) combining district.

## BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Community Commercial (GR) district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major traffic ways.

The proposed zoning change does not meet the purpose statement for the GR district.

2. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The proposed rezoning will have a detrimental land use impact on the adjacent residential properties to the north and the intensity of land use requested at the subject property is incompatible with existing residential uses.

3. *Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

The proposed zoning change is located at mid-point of a residential block where residential uses surround the subject property. Mixed-use and commercially-zoned properties are located adjacent to Airport Boulevard.

## EXISTING CONDITIONS

### Site Characteristics

The property consists of two lots. Lot 19 has a 1700 sq. ft. single family and Lot 18 is a vacant lot. The property has access from East 51<sup>st</sup> Street.

### Transportation

1. No additional right-of-way is needed at this time.
2. The trip generation under the requested zoning is estimated to be 967 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

3. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

### **Environmental**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. Impervious cover is not limited in this watershed class. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.
2. According to flood plain maps, there is no flood plain within the project area.
3. At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

### **Water and Wastewater**

1. The landowner intends to serve the site with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main, or system upgrades, or utility relocation, or adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the City inspection fee.

### **Site Plan and Compatibility Standards**

1. Site plans will be required for any new development other than single-family or duplex residential.
2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

**Compatibility Standards**

The site is subject to compatibility standards. Along the north, south, east and west property lines, the following standards apply:

1. No structure may be built within 21 feet of the side or rear property line.
2. The site would require a 25 foot front setback, since it adjoins property in an urban family residence (SF-5) or more restrictive zoning district.
3. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
4. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
5. No parking would be allowed within 15 feet of the property line.
6. No driveway would be allowed within 10 feet of a property line.
7. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
8. for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
9. Additional design regulations will be enforced at the time a site plan is submitted.

**Barry Garth  
12606 River Bend Rd.  
Austin, Texas 78732**

**RECEIVED**

**FEB 03 2006**

February 2, 2006

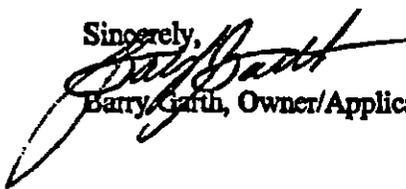
City of Austin  
Case Number: C14-06-0004

Neighborhood Planning & Zoning

Mr. Jorge Rousselin:

I would like to amend my current zoning change application from LR-MU-NP to GR-MU-NP due to impervious coverage allowed. The permitted use of LR-MU but with the imperious coverage use of GR-MU is what we are asking for.

Sincerely,

  
Barry Garth, Owner/Applicant

Steve Barney  
916 E. 53<sup>rd</sup> Street  
Austin, TX 78751

Jorge Rousselin  
City of Austin, NPZD  
PO Box 1088  
Austin, Texas 78767

**RECEIVED**

FEB 17 2006

February 15, 2006

Neighborhood Planning & Zoning

Dear Mr. Rousselin,

This letter will serve as the Ridgetop Neighborhood Association's endorsement of a plan amendment and zoning change to allow **NO-MU** zoning at Barry Garth's property at 910 E. 51<sup>st</sup> Street. Please note that this is a less intensive zoning category that what has been requested by the applicant. In the North Loop Neighborhood Plan Future Land Use Map, this part of 51<sup>st</sup> Street is shown as a residential land use.

Mr. Garth briefed the neighborhood on his proposed development on February 13, 2006. By a wide margin, the neighborhood voted to allow NO-MU. While no vote was taken on the issue of supporting a variance for a reduced front setback, this is an issue that has consistently been supported by the neighborhood in discussions with Mr. Garth and there is no known opposition.

Outstanding issues that (for now) preclude the neighborhood's endorsement of a less restrictive zoning category include:

1) In the near future, the North Loop Neighborhood Planning Team needs to go through a planning process to look at the entire 51<sup>st</sup> Street corridor (east of Airport Blvd) and consider whether the Future Land Use Map in the neighborhood plan should change for this entire corridor. Many (though not all) at the 2/13 meeting agreed that traffic on 51<sup>st</sup> Street had become so heavy as to lessen the street's desirability for single-occupancy. There were concerns that putting off any change (keeping the property's zoning as SF-3) would be an unfair burden to the property owner, hence the vote for NO-MU. However, most participants were not willing to advocate spot-zoning a mid-block property to a higher intensity beyond NO-MU, in the absence of a comprehensive approach to this stretch of 51<sup>st</sup> Street.

2) Questions remain about the viability of the proposed project in the absence of variances. The proposed 40' height of a new structure would likely trigger compatibility standards and would require a waiver or variance. Likewise, the proposed side-yard setbacks and rear-

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Page 2 of 2

FEB 17 2006

Neighborhood Planning & Zoning

yard setbacks might also trigger compatibility and require a waiver or variance. The property is surrounded on three sides by SF-3 zoning and residential (or church) uses.

3) At various times, the development proposal has included a 10' section of disused - but apparently not vacated - alleyway. (To be clear, the entire length of alleyway on this block is unusable and most has been reclaimed by the fences of adjoining property owners). The current proposal is for this section of disused alleyway to be either greenspace or stormwater detention. Despite multiple requests, the neighborhood has never received documentation that Public Works or the Watershed Protection and Development Review Department will allow this 10' strip of disused alley to be used for any purpose associated with a development on this property, including its use as greenspace or stormwater detention.

4) Mr. Garth has stated that, without a more intensive zoning category (such as LR), he cannot build his proposed project due to impervious cover limits. However, the neighborhood has not received any solid documentation that this is the case. It is also the neighborhood's general policy to decide matters of zoning on the basis of land use planning principles, and not on the basis of any particular development proposal. If the property sells before the project is built, then what the neighborhood would ultimately get would be a different project than was originally proposed.

Mr. Garth has now attended three neighborhood meetings to provide information on his proposed development and zoning change. The Ridgetop Neighborhood Association (RNA) appreciates Mr. Garth's openness and willingness to communicate about his proposal. To the extent possible, the RNA seeks to be reasonable with respect to Mr. Garth's needs. For the reasons stated above, we cannot currently support a zoning change to a more intensive category than NO-MU.

Please contact me at [barneyalt@earthlink.net](mailto:barneyalt@earthlink.net) if you need additional information.

*Handwritten signature: Steve Barney (RNA Co-Vice President) for*

Steve Barney  
President  
Ridgetop Neighborhood Association

Cuatro Groos  
405 Nelray Blvd.  
Austin, TX 78751

**RECEIVED**

**FEB 23 2006**

**Neighborhood Planning & Zoning**

Jorge Roussellin  
City of Austin, NPZD  
PO Box 1088  
Austin, Texas 78767

February 17, 2006

Dear Mr. Roussellin,

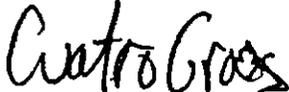
On Thursday, February 16, the North Loop Neighborhood Planning Team (NLNPT) voted to endorse a plan amendment and zoning change from SF-3 to NO-MU for 910 and 912 E. 51<sup>st</sup> Street. The Ridgetop Neighborhood Association (RNA) also voted earlier in the week to support NO-MU zoning for these properties.

This decision was reached in part as recognition of the wishes of Ridgetop residents as evidenced by the RNA recommendation. Equally as important, the NLNPT wants to address the future land use for the 51<sup>st</sup> St. corridor as a whole before recommending spot-zoning changes. We will start that process at our March meeting and intend to make any subsequent amendments to our Neighborhood Plan once we've gone through that review process.

The NLNPT members agree that E. 51<sup>st</sup> Street between IH-35 and Airport Blvd. has become a unique corridor in our area. Traffic pressures are considerably higher, and it is becoming harder for owners of single family properties to rent or sell their properties on E. 51<sup>st</sup> Street. However, we still have owners and renters living along the corridor. Their input, as well as the input of other residents and property owners around E. 51<sup>st</sup> Street, is crucial as we consider the long-term vision for the corridor. The Mueller redevelopment and even the Triangle development are impacting traffic, residential development, and commercial development in the area. These issues deserve thoughtful consideration as we work hard to protect quality of life and improve livability for all our property owners, residents, and businesses in the area.

Many of our members see zoning changes to allow for commercial use as appropriate in the near future for E. 51<sup>st</sup> Street. However, there is not currently a consensus on how changes would be applied. In the end, the group voted for a much narrower change than the LR-MU requested by Mr. Garth. This allows for some commercial use but also gives the NLNPT a chance to address the corridor as a whole before getting into spot-zoning situations that may or may not fit the vision for the neighborhood. Along with the recommendation for NO-MU zoning, the NLNPT voted to support a conditional overlay for reduced front setback (to 15 feet) and reduced parking requirements on 910 and 912 E. 51<sup>st</sup> Street.

Please contact me at [cuatro@acadiahr.com](mailto:cuatro@acadiahr.com) if you need additional information.



Cuatro Groos  
Chair  
North Loop Neighborhood Planning Team

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-06-0004  
Contact: Jorge Roussein, (512) 974-2975  
Public Hearing:  
February 28, 2006 Planning Commission



*Barry Gauth*  
Your Name (please print)

Your address(es) affected by this application

*Barry Gauth* Signature  
Date *2/21/06*

Comments:

**RECEIVED**

FEB 23 2006

Neighborhood Planning & Zoning

If you use this form to comment, it may be returned to:  
City of Austin  
Neighborhood Planning and Zoning Department  
Jorge Roussein  
P. O. Box 1088  
Austin, TX 78767-8810

ZONING CASE

**PUBLIC HEARING INFORMATION**

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Case Number: C14-06-0004  
Contact: Jorge Rosasdin, (512) 974-2975  
Public Hearing:  
February 28, 2006 Planning Commission

I am in favor  
 I object

FREDERICK G. DUDY  
Your Name (please print)

911 A EAST 51ST ST

Your address(es) affected by this application

[Signature] 27 Feb 2006  
Signature Date

Comments:

**RECEIVED**

FEB 28 2006

Neighborhood Planning & Zoning

If you use this form to comment, it may be returned to:

City of Austin  
Neighborhood Planning and Zoning Department  
Jorge Rosasdin  
P. O. Box 1088  
Austin, TX 78767-0810

**PUBLIC HEARING INFORMATION**

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Case Number: C14-06-0004  
Contact: Jorge Roussein, (512) 974-2975  
Public Hearing:  
February 28, 2006 Planning Commission

I am in favor  
 I object

Alan Baldrce  
Your Name (please print)

913 EAST 57<sup>ST</sup>  
Your address(es) affected by this application

Alan Baldrce 2/25/06  
Signature Date

Comments:

This STREET IS Extremely busy and has lost its Family residence char. ITS only going to worsen w/ the construction at the old Airport. Let this Small Strip of Roadway between busy Airport Blvd + I 35 go Commercial. Nobody is going to rear a child there.

If you use this form to comment, it may be returned to:

City of Austin  
Neighborhood Planning and Zoning Department  
Jorge Roussein  
P. O. Box 1088  
Austin, TX 78767-9810

**RECEIVED**

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Neighborhood Planning & Zoning

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the person listed on the notice.

**RECEIVED**

FEB 24 2006

Case Number: C14-06-0004

Contact: Jorge Rousselin, (512) 974-2977 Neighborhood Planning & Zoning

Public Hearing:

February 28, 2006 Planning Commission

HARRY E. THURMAN

Your Name (please print)

910 EAST 52ND STREET

Your address(es) affected by this application

Harry E. Thurman

Signature

2-21-06

Date

Comments: 1. NO ALLEY. FIRE HAZARD

DUE TO MAIN ARTERY 51 ST

2. INCREASED TRAFFIC

3. OVERFLOW OF TRAFFIC

ON 52 STREET, AND BENNETT

4. NO STREET MAKING. CAUTION

OPTION: OPEN ALLEY TO

ACCESS TO RELIEVE TRAFFIC TO

51 STREET. BUILD OVER DRIVE

TO GO OVER AIRPORT BLVD. FROM 35

TO LAMAR, SOMEDAY.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

March 7, 2006

City of Austin  
Attn: Jorge Rousselin

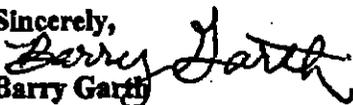
Re: 910 E. 51<sup>st</sup>  
Case # C14-06-0004  
Owners: Barry & Kathy Garth

Mr. Jorge Rousselin :

This is to let your office know that we are not going to contest the City of Austin's Planning Commission recommendations of rezoning from SF3 to commercial NO-MU.

If you have any questions regarding this matter please call .

Sincerely,

  
Barry Garth

**RECEIVED**

MAR 07 2006

Neighborhood Planning & Zoning

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 910 AND 912 EAST 51<sup>ST</sup> STREET IN THE NORTH  
3 LOOP NEIGHBORHOOD PLAN AREA FROM FAMILY RESIDENCE-  
4 NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO  
5 NEIGHBORHOOD OFFICE-MIXED USE-NEIGHBORHOOD PLAN (NO-MU-NP)  
6 COMBINING DISTRICT.

7  
8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

9  
10 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to  
11 change the base district from family residence-neighborhood plan (SF-3-NP) combining  
12 district to neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining  
13 district on the property described in Zoning Case No. CG14-06-0004, on file at the  
14 Neighborhood Planning and Zoning Department, as follows:

15  
16 Lots 18 and 19, Block E, Ridgetop Subdivision, a subdivision in the City of  
17 Austin, Travis County, Texas, according to the map or plat of record in Plat Book  
18 2, Page 200, of the Plat Records of Travis County, Texas (the "Property"),

19  
20 locally known as 910 and 912 East 51<sup>st</sup> Street in the City of Austin, Travis County, Texas,  
21 and generally identified in the map attached as Exhibit "A".

22  
23 PART 2. The Property is subject to Ordinance No. 020523-31 that established the North  
24 Loop neighborhood plan combining district.

25  
26 PART 3. This ordinance takes effect on \_\_\_\_\_, 2006.

27  
28 PASSED AND APPROVED  
29  
30  
31 \_\_\_\_\_, 2006

§  
§  
§ \_\_\_\_\_

Will Wynn  
Mayor

32  
33  
34  
35  
36 APPROVED: \_\_\_\_\_  
37 David Allan Smith  
38 City Attorney

ATTEST: \_\_\_\_\_  
Shirley A. Gentry  
City Clerk



	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: J. ROUSSELIN</p>	<p><b>ZONING EXHIBIT A</b></p> <p>CASE #: C14-06-0004 &amp; NPA-06-0011.01</p> <p>ADDRESS: 810 E 51ST ST</p> <p>SUBJECT AREA (acres): 0.229</p> <p>DATE: 08-02</p> <p>INTLS: SM</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>K26</p> <p>0214-00000 PUD 07-06-1000</p>
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